

**EXHIBIT B**

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**From:** Cullen Guilmartin  
**Sent:** Tuesday, June 20, 2023 7:06 PM  
**To:** 'Bill Cathcart'  
**Cc:** Adam Masin; Carolyn Barry  
**Subject:** Diel v. Omega Flex - Witness and Exhibits Lists  
**Attachments:** DIEL - Plt's Final Exhibit List - [24].pdf; DIEL - Plt's Final Witness List - [25].pdf  
  
**Importance:** High

Attorney Cathcart –

We are in receipt of your final witness and exhibit lists. In the first instance, both submissions are late as they were due on June 17, 2023. The disclosures were not received until today. This is problematic as Omega Flex's counter exhibit list and objections are due on July 1, 2023.

However, and perhaps more concerning, is that the lists are in no way compliant with local rules (please see LCvR43.1 and the required form therein) nor disclosure requirements. Note that Judge DeGisti's chamber practices require that: "Witness and Exhibit lists must be submitted as required by LCvR43.1." Plaintiffs witness list is woefully non-compliant. For example, you list certain "photographs" "artifacts" "inventories" "invoices" "receipts" "copies" "exhibits to depositions" "documents" "exemplars" "reports" "responses" "samples" "videos" "minutes" and "depositions." However, you do not include dates. You do not include bates numbers. This leaves Omega Flex to guess at what you are disclosing. Moreover, from a practical matter you are disclosing unidentified groups of items such as "depositions" and "photographs" which would render an efficient trial impossible.

Beyond that, your witness disclosure includes companies, not witnesses. That needs to be rectified.

**We respectfully request that you provide adequate and compliant disclosures by Friday, June 23, 2023.** Otherwise, we will seek to have all documents stricken as late and improperly disclosed. We are happy to discuss. Best regards,

Cullen

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**CULLEN W. GUILMARTIN** | Partner

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